



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 20, 1996

Mr. John Steiner  
Division Chief  
City of Austin  
Legal Department  
P.O. Box 1088  
Austin, Texas 78767-1088

OR96-0985

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 40015.

The City of Austin (the "city") received a request for the results of an incident report search concerning two individuals for a certain period. You inform us that the city is releasing nineteen incident reports. You assert that the remainder of the requested information is excepted from required public disclosure under section 552.101 of the Government Code.

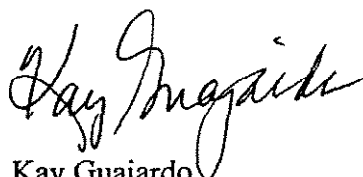
Section 552.101 of the Government Code excepts from disclosure information that is made confidential by law, including information judicial decisions make confidential. This exception applies to information made confidential by the common-law right to privacy. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Information may be withheld under section 552.101 in conjunction with the common-law right to privacy if the information contains highly intimate or embarrassing facts about a person's private affairs such that its release would be highly objectionable to a reasonable person and if the information is of no legitimate concern to the public. *See id.*

This office has concluded that a compilation of offense reports concerning a named individual is in effect the criminal history of that individual. Such a compilation is protected from public disclosure based on the common-law right to privacy. *See* Open Records Letter No. 96-0225 (1996). We therefore conclude that the city must withhold from disclosure the offense report compilation.

You also ask about one offense report involving two juvenile offenders and concerning an occurrence on October 10, 1995. That report is made confidential by former Family Code section 51.14.<sup>1</sup> Consequently, the city must withhold it from the requestor. Gov't Code § 552.101.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo  
Assistant Attorney General  
Open Records Division

KHG/rho

Ref.: ID# 40015

Enclosures: Submitted documents

cc: Mr. Don Morehart  
Attorney at Law  
804 Rio Grande Street  
Austin, Texas 78701  
(w/o enclosures)

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<sup>1</sup>Act of May 22, 1993, 73d Leg., R.S., ch. 461, § 3, 1993 Tex. Gen. Laws 1850, 1852. The Seventy-fourth Legislature repealed former Family Code section 51.14 and replaced it with Family Code section 58.007. Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 100, 1995 Tex. Gen. Laws 2517, 2590. Section 58.007 applies only to conduct occurring on or after January 1, 1996. *Id.* Conduct that occurred prior to January 1, 1996, is governed by the law in effect at the time the conduct occurred, and that law is continued in effect for that purpose. *Id.*